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April 10, 2018

VIA ECF, EMAIL, AND FEDERAL EXPRESS

Honorable Stuart M. Bernstein
United States Bankruptcy Court
One Bowling Green
New York, NY 10004-1408

Re: SIPC v. BLMIS, Adv. Pro. No. 08-01789 (SMB); Profit Withdrawal Litigation

Dear Judge Bernstein:

We are counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated SIPA liquidation proceedings of Bernard L. Madoff Investment Securities LLC and the chapter 7 estate of Bernard L. Madoff.

On March 22, 2018, Helen Davis Chaitman submitted a declaration in support of Aaron Blecker’s Proposed Findings of Fact and Conclusions of Law (“Chaitman Declaration”) related to the Profit Withdrawal litigation (“PW Litigation”). ECF No. 17398. The Chaitman Declaration asserts that the Trustee has failed to provide Mr. Blecker with complete records related to his BLMIS accounts.

As the Trustee informed Ms. Chaitman by letter dated March 29, 2018, these claims are false. All of the documents referenced in the Chaitman Declaration were produced to her—multiple times—during the PW litigation. The letter is appended hereto as Exhibit 1. By letter dated April 9, 2018, Ms. Chaitman responded that the Chaitman Declaration remains accurate. Ms. Chaitman’s letter is attached hereto as Exhibit 2.

Even if the allegations in the Chaitman Declaration were true—which they are not—the time to raise any purported discovery deficiencies has long since passed. Ms. Chaitman made no motions to compel the documents she alleges are missing during the discovery period, which closed in 2016. She chose not to question any witnesses on the specific topics set forth in the Chaitman Declaration, either at depositions or at the trial held on January 19, 2018. And at no point did Ms. Chaitman identify any of these specific purported deficiencies, including when the Trustee offered many of these documents as exhibits during the trial. A declaration on discovery deficiencies after a trial has concluded is neither proper nor relevant to the issues pending before

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the Court. As such, the Chaitman Declaration should be disregarded by the Court in its resolution of the PW litigation.

Respectfully submitted,

/s/ Seanna R. Brown

Seanna R. Brown
Partner

Enclosure

cc: Amy E. Vanderwal
Helen Chaitman